

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FRANCISCO DELEON, )  
Petitioner, )  
v. ) C.A. No. 06-175 Erie  
JAMES T. WYNDE, et al, )  
Respondents. )

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on August 2, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 9, 2007, recommended that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Dallas, where he is incarcerated, and on Respondents. Objections were filed by the Petitioner on August 3, 2007. After de novo review of the petition and documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 6<sup>th</sup> Day of August, 2007;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED and that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated July 6, 2007, is adopted as the opinion of the court.

  
MAURICE B. COHILL, JR.  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
  
all parties of record \_\_\_\_\_